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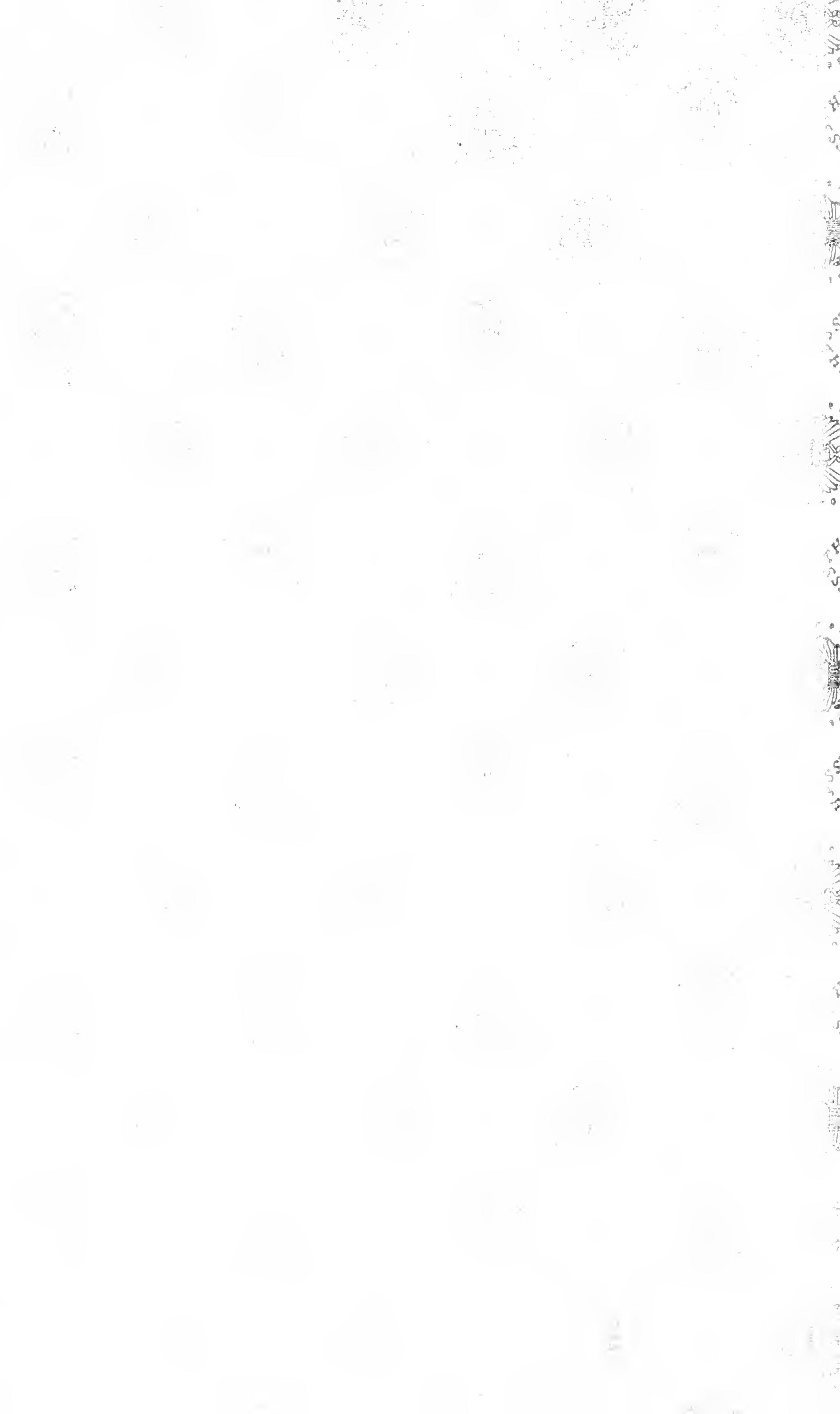

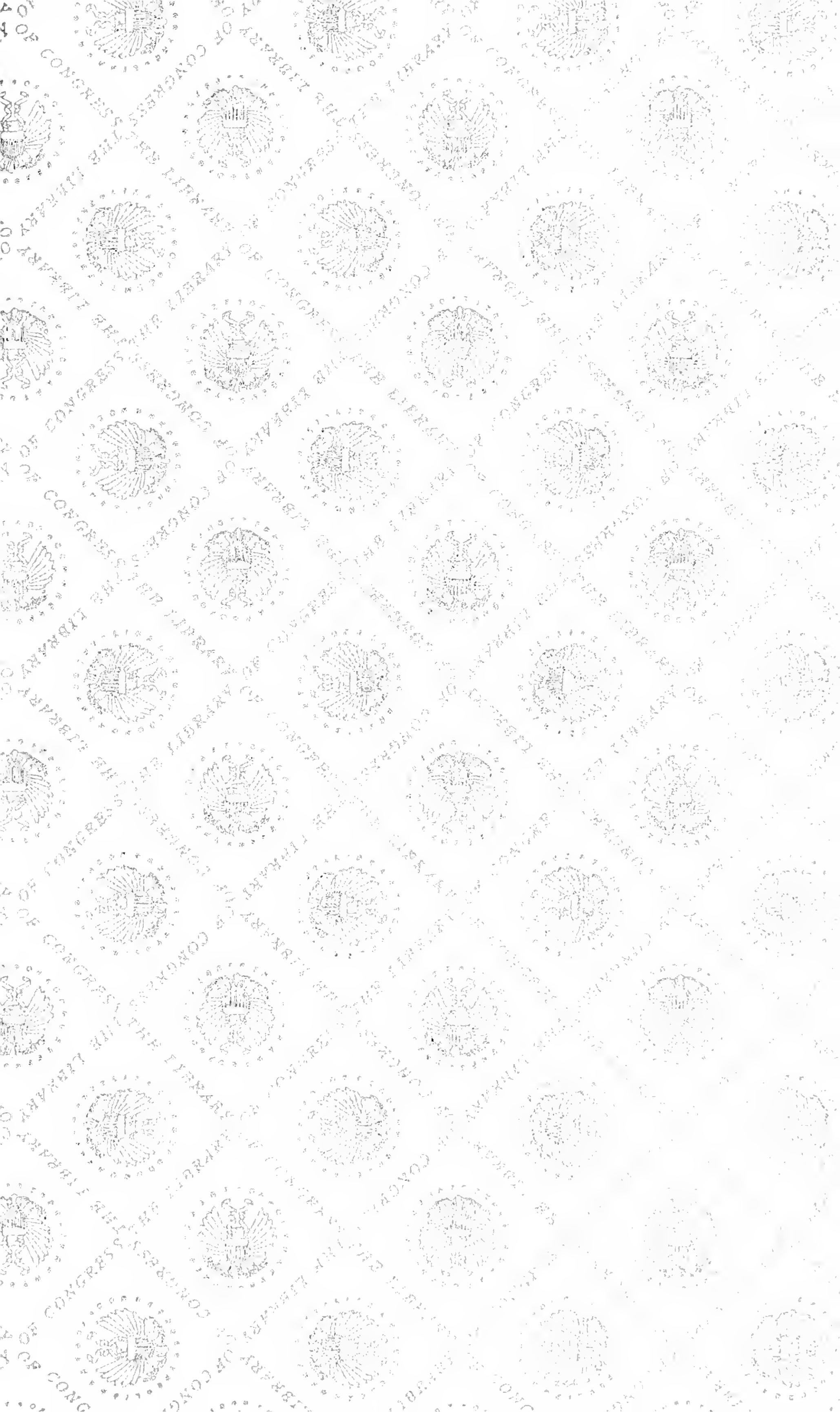

SPEECH

OF

HON. THOMAS L. CLINGMAN,

OF NORTH CAROLINA,

ON THE SUBJECT OF

Congressional Legislation,

AS TO

THE RIGHTS OF PROPERTY IN THE TERRITORIES,

DELIVERED IN THE

Senate of the United States,

MAY 7 & 8, 1860.

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SPEECH.

The Senate having under consideration the resolutions offered by Mr. DAVIS, of Mississippi,—Mr. CLINGMAN said:

Mr. PRESIDENT: Most of the speech of the Senator from Mississippi (Mr. DAVIS) I cordially approve. There are one or two points, however, in which I differ with him; and notwithstanding the lateness of the hour, if Senators will indulge me, I shall endeavor to state them. If I understand his resolutions aright, they contemplate intervention by Congress for the protection, in the Territories, of property in slaves. For some years past we have stood on the doctrine of non-intervention, and there is no middle ground which we can take.

The Senator from Mississippi says that he does not approve of a slave code. Well, sir, what are we to understand by a slave code? I take it to be legislation to protect or to regulate property in slaves. If you depart from the principle of non-intervention, and legislate to protect property in slaves, you necessarily make some sort of a slave code, and it may be either a short one or a long one.

I am opposed to departing, at this time, from the policy of non-intervention. I was not one of the original advocates of that measure. On the contrary, twelve or fifteen years ago, in common with the great body of the South, I maintained the opinion that the Federal Government had complete jurisdiction over the Territories; and I voted for the extension of the Missouri compromise line to the Pacific. That necessarily implied two things: first, that Congress had power to prohibit slavery in the Territories; second, that it had power to establish or protect it; because the original Missouri compromise line declared, in the exact terms of the Wilmot proviso, that north of 36° 30′ slavery or involuntary servitude never should exist, while it was allowed to remain south of it. Every one of us who voted for the extension of that line thereby necessarily admitted that this government had authority to establish or protect slavery in a Territory, and also to prohibit it. We were all sworn to support the Constitution: and if we had denied the power, we could not have given the vote. I am free to say that I subsequently changed my opinion; and prior to the decision in the Dred Scott case I published my views in accordance with the doctrine laid down in that decision, as I understand it. That, however, is merely personal to myself, and cannot affect the Senate.

But, sir, in 1847, General Cass brought forward the non-intervention doctrine. He was sustained by Daniel S. Dickinson and by John C. Calhoun, and other distinguished statesmen; and though I was then an opponent of it, I am free to say that I believe its advocates were perhaps nearer right than I was. So remarkable was the statement of Mr. Calhoun at that time that I shall ask the indulgence of the Senate for a single moment while I read a few extracts from his speech. Some of his remarks were almost prophetic, and anything from him has great weight with gentlemen of the school to which the Senator from Mississippi and myseif belong. In his opening remarks in his speech of June 27th, 1848, he said:

"There is a very striking difference between the position in which the slaveholding and non-slaveholding States stand in reference to the subject under consideration. The former desire no action of the Government; demand no law to give them any advantage in the Territory about to be established; are willing to leave it and other Territories belonging to the United States open to all their citizens, so long as they continue to be Territories, and when they cease to be so, to leave it to their inhabitants as may suit them, without restriction or condition, except that imposed by the Constitution as a prerequisite for admission into the Union. In short, they are willing to leave the whole subject where the Constitution and the great and fundamental principles of self-government place it."

What further did he say?

"Nor should the North fear that, by leaving it where justice and the Constitution leave it, she would be excluded from her full share of the Territories. In my opinion, if it be left there, climate, soil, and other circumstances, would fix the line between the slaveholding and non-slaveholding States in about 36 deg. 30 min. It may zig-zag a little to accommodate itself to circumstances: sometimes passing to

the north and at others to the south of it; but that would matter little, and would be more satisfactory to all, and tend less to alienation between the two great seccions than a rigid, straight, artificial line, prescribed by an act of Congress."

* * * * * * * * *

"But I go further, and hold that justice and the Constitution are the easiest and safest guards on which the question can be settled, regarded in reference to party. It may be settled on that ground simply by non-action—by leaving the Territories free and open to the emigration of all the world, so long as they continue so; and when they become States, to adopt whatever constitution they please, with the single restriction to be republican, in order to their admission into the Union. If a party cannot safely take this broad and solid position, and successfully maintain it, what other can it take and maintain?"

Remember this was an earnest exhortation to the Democratic party, prior to the assemblage of its national convention in that year.

"If it cannot maintain itself by an appeal to the great principles of justice, the Constitution, and self government, to what other, sufficiently strong to uphold them in public opinion, can they appeal? I greatly mistake the character of the people of this Union, if such an appeal would not prove successful, if either party should have the magnanimity to step forward and boldly make it. It would, in my opinion, be received with shouts of approbation by the patriotic and intelligent in every quarter. There is a deep feeling pervading the country that the Union and our political institutions are in danger, which such a course would dispel."—*Appendix to Congressional Globe,* first session Thirtieth Congress, p. 872.

That position was taken by him and others, and maintained, and gradually obtained strength until, in 1850, it received a majority of the votes of the southern members and of the Democratic party, and became a part of the public law of the country. I hold, sir, that this was emphatically a compromise between the sections; and I propose now to give several reasons why I am for maintaining it, although at the time it was adopted I was opposed to it. I place this view in the foreground; northern gentlemen, be it recollected, insisted on the Wilmot proviso, to prohibit slavery in the Territories, and we of the South claimed protection. When the Wilmot proviso was brought up, there were only seven or eight Democrats in the House of Representatives who resisted it. Among them I recollect the Senator from Illinois (Mr. Douglas) and his colleague at that time, who is now a member of the other House, and who was voted for at an early day of the session for Speaker, (Mr. McClernand.) Excepting those gentlemen, I believe, there is no one else now in the public councils from the North who opposed it. Many men of the North said, "if we are to legislate to fix the *status* of the Territories, as we represent free communities, we will carry out their views: but if you think proper to turn over the whole question to the people, under the Constitution, we will join you in that, and vote down the Wilmot proviso." That was subsequently accomplished; and in 1852, when the national conventions adopted it, it became the settled policy of the country, and those in the South who had opposed it acquiesced and adopted it.

Now, Mr. President, the Senator from Mississippi argues that that policy of non-intervention did not mean to deny the right to protect; that it merely pledged Congress not to establish or to prohibit slavery, but did not deny protection to it. I might, by adverting to the discussions of that day, show that a different construction was then put upon it by gentlemen generally; but I have some authority here which binds the whole party to which that Senator and myself belong, and which, I think, ought to be conclusive—I mean the last clause of the thirty-second section of the Kansas-Nebraska bill, which the administration of that day, of which he was a member, made an administration measure, and which received the support of the Democratic members of the two Houses; and I ask the particular attention of the Senate to the language:

"That the Constitution, and all laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Kansas as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which, being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of 1850, commonly called the compromise measures, is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any Territory or State nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

The Missouri line was repealed; and why? Because it was unconstitutional or wrong in itself? No, sir; but because it was "inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories."

I admit, if the act had stopped there, there might have been some plausibility in the argument, but what is the conclusion?

"*Provided*, That nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of 6th March, 1820, either protecting, establishing, prohibiting, or abolishing slavery."

That is, Congress would not only not interfere itself; would not only not allow its own statutes to stand in the way, but would not revive any old law which might have been in force by which slavery was protected in that Territory. Is it not perfectly clear that the whole purpose of the act and of the party at that day was to free Congres from all legislation over the subject of slavery in the Territories, whether by way of protection, or establishment, or prohibition, and leave the Territory free to act, as the Constitution permitted it? I remember well how that clause came to be inserted in the bill. During the discussion, it was said, by gentlemen who opposed the bill, that if Congress simply repealed the restriction, the result would be that the old Louisiana law, establishing and protecting slavery, would be revived. To meet that argument this clause was introduced, became a part of the bill, and received the support of every friend of the bill who voted for it in both Houses of Congress.

I submit, therefore, that upon a fair construction of that act, you can come to no other conclusion except that Congress intended to abnegate the exercise of any power over this question in the Territories, and to deny its purpose to legislate, whether to establish or prohibit, or to restrict or protect slavery in the Territories; and in 1856, in our platform, we expressly declared the doctrine, "non-intervention with slavery in State or Territory, and in the District of Columbia." Where did that leave it? Congress left it, of course, in the States, to the States; in the Territories—there being no law of Congress left, for that repeal removed the last act of Congress which bore upon them—it left it unaffected in any way by Congressional legislation; and in the district of Columbia slavery had already been established, and was protected by law, so that it left it there untouched. I say this declaration received the unanimous assent of all the States represented in the Cincinnati convention. I happened to be a member of that convention—the only convention of the kind which I believe I ever had the honor of being in; and I may have a little personal pride in that matter, but I am very sure I am not mistaken when I say it was unanimously adopted by all the delegates there assembled, alike from the North and the South. We also, out of abundance of caution to meet the views of our opponents, voted that every new State should be admitted with or without slavery, as it pleased.

Then, Mr. President, where do we stand? The Democracy of the North and the South agreed upon this principle of non-intervention. If there ever was a compromise made under this Government, that was one. Each side surrendered something. We surrendered our claim to protection; our Northern friends abandoned the Wilmot proviso, and everything looking to it, and met us on common ground. Though I was not an original party to the agreement, I am bound to it by my acquiescence; and I hold that neither section can honorably depart from it without some pressing necessity, which does not now exist.

I know it is said that the Dred Scott decision has modified the question. I confess I do not think so. I fully agree to the decision in the sense in which the Senator from Mississippi explains it; but let us test it for a moment in this way; in that decision the court says the Missouri compromise line, or the Wilmot proviso, is unconstitutional. Granted; but suppose they had decided the other way, and said it was constitutional, would the northern men have had a right to come forward and say, "this question being settled in our favor, the Supreme Court having admitted that the Wilmot proviso is constitutional, we now want to go in for intervention against slavery? I am sure every Democrat in the South would have said at once, "though you have this power, you are not bound to exercise it." Well suppose the court decided that Congress have the right to protect, and not to prohibit, can we honorably and fairly, without a great pressing necessity, abandon the policy of non-intervention? I think not.

Now, is there any such necessity? The Senator himself admits that there is not. His colleague (Mr. Brown) insists that we ought to have a slave code or congressional legislation on the subject: but the Senator from Mississippi, to whom I am replying, says that there is no such necessity at this time. Then why depart from the principle of non intervention? I am free to admit that if, in an unwise moment, a man makes a compromise that is ruinous to him, he may, under great ne-

cessity, avoid it, perhaps; but I deny that any such necessity exists in this case; and the highest evidence of it is that the Senator from Mississippi, who sits behind me, (Mr. Brown,) has been striving for the last three or four months to get a positive act passed to protect slavery in Kansas, and he has never yet found a second for it. If any one Senator upon this floor, notwithstanding the urgent and eloquent appeals of that gentleman, has declared his willingness to vote for it, I have not heard him say so, and I do not believe there is such a one. And yet everybody knows that Kansas has lately refused all protection to slave property. If gentlemen, therefore, intend to stand up for all their rights to the fullest extent, why not at once come up and pass a law to protect slaves in Kansas? They show, by their conduct, that they do not believe that any real necessity exists in fact for departing from non-intervention.

I say, then, Mr. President, that in my judgment no necessity exists for an abandonment of the compromise; but the Senator proposes to make a declaration that we shall do it in a future contingency. I have no doubt of the power of the Government, but why make that declaration? A declaration of the Senate binds nobody. These are naked resolutions; they are not laws; they carry no force to the country except what may be derived from the soundness of the opinions advanced in them. They will not control the action of the courts. They will not, perhaps, change the opinion of a single man in this country. Why pass them? I think I shall show, before I take my seat, some very valid and strong reasons why we should not do so.

My first objection, then, is that the system of non-intervention is a compromise, and that no necessity exists to abandon it, as I have already stated. I come now to my second objection. During the discussion of 1850, the advocates of non-intervention said, if you adopt it, if you leave the question to the Territorial Legislature, they may pass laws to protect slave property. I resisted it. I made speech after speech to show that the Mexicans were hostile to us; that they were not accustomed to slavery, and might legislate against it; but what has been the result? New Mexico has passed the most stringent slave code. There is, perhaps, not a State in the Union that has, by law, protected slave property more securely than the Territory of New Mexico, which reaches from Texas to the Gulf of California, and extends up to the 38th degree of north latitude. We were content with the line of 36° 30′, we were willing to run the Missouri line to the Pacific, and abolish slavery absolutely north of 36° 30′, and take a mere implication without an express protection south of it. Sir, practically by non-intervention, we have got more than we asked for; we have got a larger amount of territory than we should have obtained under the Missouri compromise line. Gentlemen may say, perhaps, that Kansas has legislated against us. I grant it; but we should not have got Kansas at all under the Missouri compromise. Kansas only comes down to the thirty-seventh parallel, the whole Territory being north of the Missouri compromise line. Besides, while New Mexico has legislated in our favor, and the same thing, I believe, is true of Utah—

Mr. GREEN. I wish to correct the Senator in a matter of fact. Utah has not passed any law protecting slavery. They have an apprentice system, which expires in a very short time.

Mr. CLINGMAN. I am obliged to the gentleman for the suggestion; but I consider the fact with reference to Utah immaterial, because it lies on a table land several thousand feet above the sea, very far north, reaching up to the forty-second parallel, and having a very cold climate. Surely the Senator does not deny the fact that, as far as New Mexico is concerned, we have got everything we desire, and that it covers more territory than we claimed in 1850. I was about to say, though, that even in Kansas slave property was protected by the Territorial Legislature for several years, but lately they have legislated against it. I believe that, but for the extraordinary excitement which grew up out of the repeal of the Missouri restriction, the Territory of Kansas never would have legislated adversely to us, but we all know that a great crowd were sent in there from the North, with extreme anti-slavery views, and the result of the excitement there has been legislation against us; but we are no worse off in that respect than if we had never repealed the restriction, and we are much better off as far as the Territory of New Mexico is concerned, by adopting non-intervention.

Mr. CRITTENDEN. Will the gentleman give way to a motion to adjourn?

Mr. CLINGMAN. As it is late, if there is no objection to the question going over until to-morrow, it will be more agreeable to me.

Mr. CRITTENDEN. I move that the Senate adjourn.

The motion was agreed to and the Senate adjourned.

TUESDAY, MAY 8, 1860.

Mr. President : I hope I shall not find it necessary to occupy much of the time of the Senate. When I commenced last evening I thought I should be able to conclude very soon ; but finding that the explanations which I wished to make would take a little more time than I had anticipated, I gave way for a motion to adjourn. I will now express, as rapidly as I can, my impressions on this question ; and it is, perhaps, due to myself to say that, on the 9th of January, 1857, I published a letter indicating my views on the whole subject, in which I took the position that this Government had a right and was bound to protect property in the Territories, but could not abolish or exclude it, and that a Territorial Legislature could have no greater power than Congress, which created the Territory. In that letter I said :

"The right to legislate over the Territories of the United States, has, by some persons, been derived from that clause of the Constitution which authorizes Congress to dispose of and make all needful rules and regulations respecting the territory or other property of the United States. Others maintain that, as an incident to the power to admit new States, the right to prepare the Territory for the condition of a State authorizes legislation.

"If neither of these clauses should be deemed sufficient to authorize legislation, then it may be contended that, in the first place, it must now be admitted as a settled matter, that the Government of the United States is capable of acquiring territory by treaty, conquest or discovery, and of holding or or exercising authority over the same. But the Government derives all of its powers from the Constitution; and, but for that instrument, the President, the Senators, and members of Congress, would have no more power over the Territory than any other set of people three hundred in number.

"It is, however, universally admitted that the Government of the United States is only a trustee of power, or agent for the people of the United States, and must exercise its authority for their benefit. As the Government derives its power solely from the Constitution, it cannot go beyond that instrument, and is bound by its limitations therefore. It could not, for example, in the Territory, grant titles of nobility, establish religion, abridge the freedom of speech or of the press, &c. Whichever of these three sources of power be assumed as the true one, it seems clear that Congress and the President, in holding the territory, or exercising jurisdiction over it, only can legislate to the extent required to protect the interest of the Government and of the people of the United States. The preservation of its own property, and the protection of the property and personal rights of the people, limit the extent of its powers. It is bound, however, to legislate, or 'make needful rules,' to that extent.

"A B enters the Territory with his wife, child, horse and slave. These are taken away from him by force, and he is himself imprisoned. Now, it is obvious that there should be laws to protect his own liberty, and also his right to the possession of his wife, child, horse, and slave. Hence, it follows, that there must be power in Congress to legislate on the subject of slavery as well as in relation to wives, children and horses. It is clear that the Government has power to protect these rights. Can it go further? The Constitution declares, 'that private property shall not be taken for public use (even) without just compensation.' The Government cannot, therefore, take any property, or what is the same thing, release another from an obligation to me, which is in the nature of property. While it may protect, it cannot destroy personal rights.

"It must be remembered, however, that every slave in the United States is necessarily the property of some person; but as the Government of the United States cannot destroy or take away property, it cannot, of course, change the relation of any one in these respects. If a person is under obligation to serve me for life, or a shorter term, he cannot be released from that obligation by Congress, because it cannot take my property by any law that it can pass, whether the law is to operate in a State or Territory. In the latter it is bound to preserve, that is, protect, existing rights ; but it cannot destroy them. If, therefore, its power is limited to the preservation of rights now in being, such a law as the Missouri compromise, which would destroy rights that already exist in certain citizens, would be unconstitutional, since it might, and in fact must, necessarily interfere with property in slaves. It seems to me that these propositions cover the whole ground ot controversy ; and hence, if they are held to be true, Congress cannot, 'except for public use,' and with 'just compensation,' deprive any person of an obligatien on another, or declare that the owner's right to his slave shall not be recognized in any Territory of the United States. And if Congress has not the power itself, then it cannot delegate it ; and hence the Kansas-Nebraska bill does not carry with it any such power."

I yesterday alluded to the opinions of Mr. Calhoun. It is perhaps right that I should say that, in the very same speech from which I read, he expressed the opinion that a Territorial Legislature had no right to exclude slavery, or to legislate against it. I concur with him in that. He also, I think almost uniformly, perhaps invariably, held that Congress had a right and ought to protect all property in the Territories subject to its jurisdiction ; but he waived that right in his speech, to which I referred, and in his support of the Clayton compromise bill, which passed at the same session of Congress, and only a few weeks afterwards, he again waived it. By the provisions of that bill, Congress did not legislate at all in relation to slavery in the Territories, but transferred the subject to the Territorial Legislature, with an inhibition that they should have no power to

abolish or establish slavery—those were the terms—but saying nothing as to how far they might legislate. It turned over the whole subject to them, and left them to legislate, subject of course, to the control of the courts. That was the prominent idea of that bill.

Now, sir, one other remark in connection with the first point which I made. During the discussion of 1850, I insisted that if the gentlemen would come forward and repeal the Missouri restriction, and throw open all the territory, I would agree to take it; and in fact, in a speech in the House of Representatives, I agreed to vote for this principle if they would remove the restriction up to the fortieth parallel, from 36° 30′, considering that sufficient compensation. It was not done, however, and I opposed the scheme. But, in 1854, the northern portion of the Democratic party, with great magnanimity and with great risk to themselves, came up and repealed this old restriction. In doing that they had to encounter prejudices at home; they had to take upon their shoulders the responsibility of repealing a line which had been regarded as sanctified by thirty-four years' existence, and which was called a compromise. They had the manliness, in carrying out this principle of non-intervention, to come forward and repeal that line. Why? It was in order that all the territory might be placed upon the same footing; and I hold that after that sacrifice upon their part; that willingness to carry out this compromise, begun in 1850, indorsed in 1852 by the Democratic and also by the Opposition convention, we of the South are under the highest obligation to stand to it. Now, sir, I make no reflection on any honorable Senator who differs from me on this question. I do them all the justice to say that, if they looked upon it as I do, as a compromise, I am very sure they would not seek to disturb it. Taking the view of it I do, believing that the two parties settled down upon non-intervention, I feel it to be my duty to adhere to it in the absence of any great pressing necessity which would justify its abandonment.

Mr. President, what are the points of difference between the two parties? The Senator from Mississippi, if I read his resolutions aright, does not propose to favor intervention by Congress to protect slavery in the Territories at this time; but he declares if it should turn out hereafter that the existing laws are not sufficient to protect it under the Constitution, he is then for legislation. What do those who oppose his resolutions say? The Senator from Ohio (Mr. PUGH) and the Senator from Illinois (Mr. DOUGLAS) say that if, hereafter, the courts shall make decisions which cannot be carried out without legislation, they will legislate to carry them out. The Senator from Mississippi says that the Dred Scott decision has settled the question, and he wants a declaration that we mean to legislate in future. These gentlemen, admitting, as they must, that the judges have, in the Dred Scott case, expressed their opinion that a Territorial Legislature cannot legislate adversely to slavery, say, however, that point in fact was not presented in the case; but that, if such was the settled opinion of the court, when a proper case is directly presented it will so decide; and they stand ready to carry out that decision of the court when it shall be made.

Then, do we not all come together on the same point? The Senator from Mississippi says that if the court makes decisions which cannot be enforced without legislation, he is for legislation. These gentlemen say that when the court does make decisions, they will submit to them and carry them out. It seems, therefore, that they are traveling in lines that will converge and come together at a certain point. Then, why dispute now in advance?

This may be readily illustrated. Suppose I have a controversy with a neighbor about the title to a piece of land. Neither of us is in a hurry to have possession. We are willing to await the decision of the court. He comes to me, however, and says: "I find that the court, in expressing an opinion in another case, which I admit is not like ours, and does not present the same facts, has declared, nevertheless, that in a case like yours and mine my title would be good, and therefore I wish you to give me a deed acknowledging my title to be good, though I do not want possession now, and am willing to wait for it until the case is decided." I reply to him, "I admit that the court may have expressed such an opinion, but the point between us did not arise in that case, was not argued by my counsel or any other counsel; all I can say to you is, if that be the opinion of the court, of course, when they decide our case, they will decide in your favor, and I shall then surrender to you; but I am not willing to assume beforehand that the court will so decide." It seems to me, then, Mr. President, that in the present condition of the case there is no necessity for ill-feeling on either side, or for declarations in advance.

My second point was, that New Mexico had already established a slave code and given us more erritory than we should have gotten under the Missouri line, if carried out. I come now to the

third point, and that is, what has grown out of the decision of the court in the Dred Scott case. When this subject was under debate in 1850, we of the South objected to non-intervention on the ground that it would leave the Mexican law in force; and inasmuch as the Supreme Court had maintained the opinion in a case from Florida, and perhaps in some other decisions, that where territory was acquired the local law might remain in force, we were disinclined to take non-intervention without a repeal of the Mexican law. During that interesting controversy, we held a caucus of southern members, consisting of Senators and Representatives, and on that occasion the Senator from Georgia, who usually sits behind me, (Mr. TOOMBS,) introduced a proposition into our caucus that we would support the compromise measures if they would repeal the Mexican laws and substitute the British colonial laws which prevailed in our colonies prior to the Revolution. That was adopted, and that gentleman moved it in the House of Representatives as an amendment, but it was defeated. I am free to say that if at that time we had been satisfied that the court would hold that under the Constitution slave property could exist and be protected in the Territories, without reference to local laws, I am very sure we should all have voted for the compromise of 1850.

If it be true, as the Senator from Mississippi contends, that the Dred Scott decision settles the question and supports the right of a slaveholder in a Territory, then there is another strong reason why we should acquiesce in non-intervention at this time. This, therefore, is a third reason; and I now propose to give one or two others why a person like myself, who originally did not adopt it, may now be for it.

It has been adopted as the policy of the country for ten years. Can we now pass through resolutions or bills to establish or protect slavery in the Territories? That is the question. Recollect, it is only in a case where the people of a Territory are hostile to our rights; it is only where they are so hostile that they refuse to protect us, or even legislate against us that we have been called upon to exercise this power. Nobody pretends that there is any necessity for our going into New Mexico, or other Territories that are favorable to us, with this legislation. Therefore, the question presented is simply this: suppose a Territory is hostile to us, and its Legislature will not protect slave property, or even legislates against it, will Congress intervene? First, is there any political possibility that we can pass such a law through the two Houses? We have had a test on the question already. Here is the Territory of Kansas, which not only does not give us any protection, but which, I am informed, has legislated adversely. One Senator from Mississippi, (Mr. Brown,) has brought forward a proposition to interfere for the protection of slavery in that Territory, and yet he has not gotten one southern man to back him; and if you were to submit the question to a body of southern Senators I have very great doubt whether you would get them to agree to such legislation. Why is it? If we of the South are willing to impose the institution—that is the common phrase—on a Territory against the wish of a majority, why is it that gentlemen do not come up and support the proposition of the Senator from Mississippi? Is it because it is felt that it is politically and morally wrong to interfere in this way? Is that it, or is it because gentlemen know that such legislation would be unavailing? I ask why we have not induced southern Senators yet to come up and vote for the establishment or protection of slavery in Kansas, notwithstanding the adverse legislation of the territorial authorities? I leave every gentleman to give his own reasons. But suppose every southern Senator went for it, we could not pass it; and how many northern men are there who are ready to vote for it? How many northern members are there in the other House for it? It will take thirty northern Representatives to pass through such a bill. We all know what a clamor was raised two or three years ago by the Abolitionists—falsely raised—when it was alleged that Congress intended to force slavery upon the Territory of Kansas, whether it wished it or not. Now, if we undertake to protect or maintain slavery in a Territory against the wish of the inhabitants, I ask you how many northern men are likely to sustain us in it? At present we have no southern men for it that I know of except one. There may be others; but they have not thought proper after a debate of three months to state the fact. But suppose they come up and do it, how many men will you get from the North? I hold that it is a political impossibility that we should pass such a measure; and, as I shall presently endeavor to show, nothing but mischief will result from the attempt.

But suppose there were nothing in this fourth objection of mine, and that Congress should actually pass a law of that sort, how much would it be worth in a Territory where the people are thoroughly adverse to it and unwilling that the institution should exist or be protected? If you

are going to enforce the law, you must send either an army or an immense number of officials, and scatter them all over the Territory. Gentlemen know how difficult it is to recover a runaway negro from the free States. From some of these States you can only get him by the help of an army. It was stated the other day, in a speech by a member of the Republican party, who I suppose, knows—I mean Mr. Raymond, who was once Lieutenant Governor of New York—that of the runaways who went to the North, not one in five hundred ever was recovered; and yet it is much easier to send a posse or a body of troops there to get a single negro at one point and return him, than it would be to support an army and protect it over a whole Territory. But, nevertheless, suppose you could maintain it there, what then? Everybody on our side of the House admits that when they make a State constitution, they have a right to exclude it. Have you, or I, or any other man, the least doubt that when such a people made a State constitution they would make it anti-slavery? Any community on earth who had forced upon them a system to which they were adverse would inevitably throw it off when they could. What would be the result? Every State brought into the Union under these circumstances would not only be a free State, but would probably be abolitionized; probably strong anti-slavery features would be thrown into its constitution. What advantage is that to us of the South, I ask, gentlemen? We would like to have slave States; they wou'd give us additional strength in the two Houses of Congress; but slave Territories are worth nothing to us—they give us no strength. We should like to have slave Territories that might be formed into slave States; but if we can only have them under a system which is almost sure to make them germinate into free and hostile States, they are of no advantage whatever to us.

I have now, Mr. President, given some five reasons why, in my judgment, even if non-intervention had not been right originally, it would be the true policy now; but gentlemen say, if it is our right to have protection, let us insist upon it. I take it for granted that every man believes he has rights which he cannot insist on at all times. No man will insist on an abstract, remote sort of right which he can turn to no practical advantage, and thereby merely incur very great losses. If a man believed that he had a certain valuable property in the moon, nobody would expect him to attempt to get at it there either by balloons or otherwise. Everybody would regard it as an impossibility, and any expenditure of time and money that he made to effect it would be regarded as thrown away. I am free to say that, in my judgment, there is about as much probability of effecting a thing of that sort, as there is of getting through Congress and maintaining a system of legislation to protect slavery in Territories that are so utterly hostile to it that they make their Legislature act against it, and then to bring them in as slaveholding States. One is a political, the other a physical impossibility. I think we shall lose by the operation; and this brings me to another class of objections.

If we take this system of congressional intervention for the protection of slavery, we must act in opposition to the settled policy of the Democratic party for the last ten years. Then you necessarily divide the party. The movement will not divide our opponents; they will all stand as they now do, firmly united against us; but we shall divide our own party into two sections, and I beg leave to call the attention of Senators to the fact that, on looking over the resolutions adopted in the Democratic conventions of the free States—and I have examined all of them but one—every single one of them, as far as I know or believe, has declared in favor of the Cincinnati platform, and non-intervention. So have many of the southern States likewise. If we adopt a different policy, all these gentlemen must change their ground at once, or be driven out of the party. I ask you, Mr. President, can they maintain themselves before their opponents under this disadvantage? Suppose, for example, the delegation from Pennsylvania go home from a convention where the policy of intervention has been adopted: how will their opponents meet them? Their Republican opponents will say to them: "You have all been fighting for ten years upon the principle of non-intervention, and at your State convention last March, you passed resolutions, without division, unanimously declaring that Congress had no power to legislate on the subject of slavery in the Territories; and that it would not be expedient for them to exercise it, if they had it; you went to the national convention, and the slave power have imposed on you an intervention plank—a plank by which you will have to legislate slavery into and maintain it in the Territories." They will call it, of course, a slave code. Will our friends be able to maintain themselves advantageously under these circumstances? I put it to the common sense of everybody if that can be expected.

I will not say, as a southern gentleman said to me the other day, who was in favor of a southern candidate at Charleston, that if the angel Gabriel was put upon a slave-code plank he would be defeated all through the North. I do not know anything about what sort of a run angels would make; but I am clearly of the opinion that it would weaken any candidate we could run in the North. Why? All men have a pride of opinion; all men have a regard for consistency. If this were a new question, and no ground had ever been taken upon it, it is possible that we might bring up many gentlemen to the point of passing a proposition to protect slavery in the Territories; but when they have stood upon non-intervention for ten years; when all their conventions have adopted it, I ask you if it is possible that they can be prepared, at this time, to turn right about and go for intervention. It does not help the matter at all that this thing is held up *in futuro.* Suppose it be said that "whenever it is necessary, Congress must legislate to protect slave property:" the Abolitionists would say in this canvass, "it will be necessary as soon as the presidential election is over, if you carry the day." They will say that, of course. Our friends, perhaps, may dispute it, and say they think it will be a long time before it is necessary; but that is the argument they will have to meet. The Abolitionists will hold up all the bloody slave codes from the time of Draco down, and tell the northern people that this is the music they have got to face. If we are going to legislate at all, I have no doubt upon earth it would be better for us to pass a statute now, declaring that slave and all other property should be protected in all the Territories of the United States during the territorial condition; because men would see that statute, would know what it meant, and have a better chance to defend it.

But again, Mr. President, it is argued that there are differences of opinion on the subject of non-intervention and the meaning of the Cincinnati platform. I really do not think there is any difference of opinion as far as the action of Congress is concerned. I think no man can read that platform, or the Nebraska bill, or the speeches on that occasion, without seeing that we are all agreed so far as congressional action is concerned. I have extracts from the speeches of many southern Senators and Representatives upon the occasion of the passage of the Kansas-Nebraska bill, but I do not choose to read them. In the first place, the *argumentum ad hominem* is not a very convincing one to an intelligent mind. In the next place, to show that this was the universal opinion of the party then, as I could do in this way, I should have to take up the time of the Senate to too great length, and I should also, perhaps, oblige gentlemen to make explanations of their positions. But I think it abundantly clear that Congress was not to interfere with the subject; that the difference of opinion was upon the point after that—what would be the effect of congressional non-intervention. Some gentlemen said that the Territories might legislate to protect slavery, but not to prohibit it. Others said they might legislate either to prohibit it or not. This question, from necessity, is one that the courts must determine. Suppose a law is passed by a Territorial Legislature: who determines its constitutionality and validity! The courts. Our opinion will not control the courts. Suppose the Senate should resolve unanimously that a particular thing was legal and constitutional: the Supreme Court, or any other court, would not be bound to adopt it at all. There is, in fact, no difference, as far as the action of Congress is required, on the subject. We differ as to what the court will decide about the power of a Territory. I, for example, believe, and have said again and again that I think the court will hold, that a Territorial Legislature has a right to protect property, and cannot legislate against it. I think so. Somebody else entertains an opposite opinion. It is necessarily a judicial question.

But again, sir, it is said that the Cincinnati platform, with the doctrine of non-intervention, is construed differently by different people. So is the Constitution of the United States; and yet we have never thought proper to make a new Constitution. So is the Bible: the churches have divided about it for the last two thousand years or more; and yet Providence has not thought proper to favor us with a new Bible. Nobody has asked it. Perhaps I am wrong—I believe the Abolitionists have said that the times demanded an anti-slavery Constitution, an anti-slavery Bible, and an anti-slavery God; and they have made for themselves a new constitution in the "higher law," and, for aught I know, they may adopt Joe Smith's Mormon Bible. They have easily found a divinity in John Brown; and some of them are relying, they say, "on him, and him hanged." But I do not find that any considerable portion of the Christian world asks for a new divinity or a different Bible, and yet they differ about it. So with regard to the Constitution. It turns out, therefore, that the Cincinnati platform stands in the same position with these other great instruments in this respect.

What has occurred since 1856? I was a member of the convention when that platform was adopted at Cincinnati, and it was unanimously adopted, and was satisfactory. What has occurred since? I know of nothing that is supposed to have any bearing upon it, except the Dred Scott decision. If gentlemen say that that ought to be a part of our platform, I doubt whether anybody will object. Every Democrat that I know of yields to the decisions of the courts on questions of that kind. I prefer, though, taking the decision itself to any man's commentary upon it, just as I would prefer adopting the Bible to the views of any commentator. If I should attempt to read in any court what somebody said was a former decision, the judges would stop me, and say "Give us the decision itself;" because the judges know their opinions, and can express them better than anybody else.

But, Mr. President, I may say that I look upon platforms for candidates very much as I do upon the weights that are put upon horses. I think the less of a platform you hamper a candidate with, generally, so you express your principles clearly, the better; just as the less weight you put upon a horse, the better race he runs. I have a great many rights that were not in the Cincinnati platform. I do not expect to have them all put into it. To get them there, I should have to have the Constitution of the United States certainly all there, and the constitution of my own State, and no doubt some other great natural rights that are not in either. My friend from Missouri (Mr. Green) suggests to me the Bible, also. Are we to expect everything to be put in? If we do, I do not know how large we should make it. It would be just as absurd as if a man who had a horse that was going to run a great race, and on which he had bet largely, should put upon his back all the property he had in the shape of kettles, millstones, or anything else cumbersome. That would be the height of absurdity. I tell you further, Mr. President, after we get a candidate in the field, and he is running against our adversaries over the way, the very gentlemen who now may be disposed to quibble, and who want to insist on this and that, if they saw that he was hampered and likely to lose support, would be very sorry that he was thus placed in a false position. My real liking for the Cincinnati platform was, that it had been four years before the country, everybody understood it, and it was not necessary to debate it or talk about it further in the canvass. As it contained all the principles in issue between the parties, I preferred waging the fight on it, with the addition only of the Dred Scott decision, if gentlemen desired it.

I know, however, that there are several classes of persons who will not agree with me in these views. In the first place, there are some gentlemen who are called disunionists *per se;* that is, persons who think sound policy requires a dissolution of the Union. I know some who entertain these views. They are men of ability, intelligence, public spirit and patriotism. I have no doubt about that. They honestly believe that this Government is a failure. They think this slavery agitation has been continued to that extent that it has paralyzed the Government for useful purposes; that it will grow worse and worse; and that the Union had better be dissolved, and a new system of Government made. They are honorable men, or many of them, at least, are known to me as such. They believe that if the Democratic party were destroyed, a great step would be taken in that direction; and I am free to admit it. They suppose, therefore, that by pressing extreme views, by having the South to insist, for example, on slave protection in Territories, while the North is for non-intervention, we may either break up the party or defeat it in the coming election. I shall not enter into an argument with such gentlemen as to how far they are right. I think they are wrong. It seems to me they are incapable of learning by experience. There is one thing they might have learned, and that is, that they cannot drive the majority of the southern people into a line of action of that kind. They may by expressing their extreme opinions, involve us in difficulties, divide us at the South, and weaken our influence in the country.

I thought, in 1850, that my section suffered because certain gentlemen deemed it proper, very unwisely, in my judgment, to express these views and divide us at home. Mr. Calhoun made a remark, which was reported to me, shortly before his death, which I refer to because, in my judgment, it illustrates the feeling of the South, and, as I have alluded to him, I beg leave to say that, having once, in my earlier years, in some speech spoken in a manner not kind to him, I take great pleasure in saying, on this occasion, that my opinion was subsequently changed, and I am satisfied that I did him great injustice. His course in 1848, on the Clayton compromise, satisfied me; because he agreed to take a measure which he thought fell greatly short of our rights, for the sake of peace and harmony; and his course in 1850 satisfied me that he had no ulterior designs against

the Government; that he was very anxious, provided it could be kept on the line of the Constitution, to preserve it. But, sir, the remark to which I allude, was this: after I saw him for the last time—for I believe the last conversation I had with him was on the last day he was in the Senate, and if I were to repeat it, which it is not necessary that I should do, it would only be creditable to him and his views—a gentleman from South Carolina, then a colleague of his, a gentleman with whom I was on terms of great intimacy—said in the House one day to me in conversation, "last evening, when I was talking to Mr. Calhoun, by his bed-side, giving him my views as to what would be the effect of a dissolution of the Union, he stopped me; and he always stops me at that point. He said, 'you may be right in your opinions, your argument is very plausible. I admit that I cannot answer it, but there may come in disturbing causes which would change all this. The effect of a dissolution is one of those great problems which the human mind cannot grasp; all we can say is, if the North force it upon us we must make up our minds to take it.'" That, I think, was substantially his position, that if we could maintain our equality and our rights in the Union, we ought to stand by it; but, if forced to take the other alternative, we ought to make up our minds to do it. I think this illustrates the view of the great majority of the people of the South. They have no such blind reverence for the Union, or for this Government, as to submit to it when their great essential rights are invaded; but they will not, in advance of such an emergency, take steps to produce its dissolution.

My own opinions on that subject have already been sufficiently expressed, and there was no part of the speech of the Senator from Mississippi yesterday, able and eloquent as it was, that I heard with more pleasure than I did those declarations of his in which he warned gentlemen on the other side of the effect that would follow their attempt to carry out their views. I expressed my opinions early this session; I expressed them in the Fremont contest, and I shall stand upon them; and in such a contingency, I doubt whether any gentleman will be more zealous, though doubtless many will be more able, than myself.

But, sir, the people of the southern States will not regard it as a sufficient reason to break up the Democratic party, much less to justify revolution, that we are obliged to stand upon the old Cincinnati platform. It was the unanimous feeling of the South, four years ago, and of the Democracy of the North, that the Cincinnati platform was right. Because our convention chooses to adhere to it now, or to adhere to it substantially, you cannot induce the majority of the southern people to dissolve the Democratic party; and hence I regret extremely that a portion of our friends in the South found it necessary, in their judgment, to withdraw from the convention. All those gentlemen that I know are men of high honor, courage and ability. I think they made a mistake. But, be that as it may, a large majority of the southern delegates, in the proportion of seventy to fifty, remained in the convention.

Something is said, I know, about the cotton States withdrawing. I have great respect for cotton, and if we are to have a king, I would as soon acknowledge that cotton is king as anybody else. But, sir, I cannot admit that the men who are planting cotton are necessarily wiser or better than those in old Virginia, who are cultivating tobacco and wheat, and no cotton at all. Virginia has as much interest in slavery and the slave question as the Gulf States. We ought all to act together. We ought all to go into the contest and make a common fight. I will say, however, though I may be treading on delicate ground, that if I even thought statesmanship required a dissolution of the Union, I should have a choice as to how it should be effected, looking to future results. For example: if we were to go into a common struggle, with our Democratic friends in the North aiding us, they would at least see that we had done all that men could be expected to do to maintain our rights, and they would sympathize, to some extent, with us in any action which we might have to take. On the other hand, if we were to cut loose from them, make a purely sectional party, say that the whole North was hostile, we should of course solidify it against us; and I think, with due deference to the opinion of others, it would be the most insane policy that could be adopted. If there were ten men hostile to me, and ten others whom I have as friends, would it not be the height of folly for me to make the whole twenty hostile, and turn them all against me?

But I come, Mr. President, to consider a second class who do not agree with me on this question. There are some gentlemen who think that these national conventions are mischievous things, and that they had better be broken up. Some believe that if the conventions were broken up we should have candidates put out who might run better. I think this is all a mistake. The country is not

in the condition in which it was in 1824, when there was but one party. Then they could dispense with conventions safely, and every man support the candidate of his choice. Now, there is a formidable organization, which, four years ago, was almost strong enough to get possession of the Government, which I believe has revolutionary objects in view; and if we divide, I think we surrender the Government to them. Suppose we had a southern candidate running in the fifteen slave States, and a northern candidate running, I do not believe we could bring the same force to support our man in the South that we could bring to the support of one carrying the national Democratic banner. The great argument which has been used with us, and the most effective to bring men to our support, North and South, is, that the Democratic party is one which stands up in the thirty-three States, and makes fight everywhere. Its flag waves from Maine to California, and men are everywhere marshalled under it. Cut it in two, and many patriots and good men, who did not belong to it originally, but who have come into it recently, will fall off. I perceive that some of the Republican papers said very sagaciously, when they thought the Democracy was broken to pieces, that they were to have a triumph, because a great many conservative and timid men supported the Democratic party to preserve the Union, and would now leave it. Sir, I do not consider it a reproach to any man to say that he is timid in reference to public calamities. Those men who are the bravest in matters that concern themselves personally, are often the most anxious and careful for their country and its rights; and I say it is honorable to any man, no matter what his past opinions may have been, that he stands up to protect the great interests of his country at the sacrifice of party prejudices. I hold then, that those gentlemen who think an advantage will result from breaking up the party, if such there be, are unwise.

There is a third class of persons who wish to press these extreme views, not with any purpose to assail the integrity of the Government, or to break up the party, but who desire simply to use them to make capital for particular condidates against other candidates. I think they are very unwise in that. If you can only get a candidate nominated by going in opposition to about half the States of the Union, and their views, and by making a platform that drives off particular men, are you likely to elect such a candidate? I ask, in all soberness, could you possibly so change your platform as to drive off some of your candidates, because they are too strong to be beaten otherwise, and expect to succeed? I do not believe it, and I say, therefore, that of the three classes of men that are opposed to the view I am taking, the first are the only wise ones. To the last I would say if they get a candidate nominated upon intervention, I greatly fear he would be defeated, and if they have separate candidates, I have no doubt they will be. I hold then, that the only wise men of these three classes are those who believe the Government had better be broken up; because if they can destroy the Democratic party in any way, they will have made a great stride in that direction.

Before quitting this branch of the subject, I desire to allude to another remark that is often made in the country. It is said somewhat tauntingly I think, by thoughtless southern men, that as to the northern States, they cannot be counted upon as Democratic; that no one of them is certainly Democratic, and that their views ought not to be heard. Mr. President, I think it comes with a bad grace from any southern man to throw this out. Upon the old issues upon which the Democratic party was built up, the great body of the North would be Democratic to day—there is no doubt about that—and the South might not unanimously be so. In the very last contest that turned upon these old issues, in 1848, nearly half the South voted for the Whig candidate, and the North was divided in about the same proportion. At that time the anti-slavery movement, which had previously existed, gained such power that our elections since then have turned upon the slavery question, and they have gained strength, I admit, against our friends; but we of the South have no right to boast of our position. The only fight has been with the Abolitionists in the last two elections. When I say Abolitionists, perhaps I use two strong a term. I mean the anti-slavery party, consisting of Abolitionists, Free Soilers, and others. We boast in the South that they have made no inroads among us. Why, sir, if an Abolitionist were to come into the part of the country where I live, or were to manifest himself in any way, the best thing he could do would be to emigrate very rapidly, and if he did not carry with him a little tar and feathers, he would be quite lucky. Are we to boast and plume ourselves on the idea that in fighting the Abolitionists we can can carry the southern States? If we could not we should not be worth anything; but where they exist in the North they are formidable, and there they have beaten many of our friends. Those

friends are fighting this battle, not for their personal rights or to protect their own immediate interests. Far from it. If you abolished slavery, it would not take the property of any man in the free States. I admit that indirectly it might ultimately prejudice their citizens. Their interest is not at all what ours is; and yet they have the manliness to stand up and fight the Abolitionists from year to year. They are beaten down from time to time in many of the States. They give up all the honor of representing their people in the Federal councils; they lose State place, and power and office; and because they are defeated and cut down, we find southern men taunting them with their diminished numbers. Mr. President, when General Scott reached the city of Mexico, would it have been just for him to turn around to the Palmetto regiment, which from its gallantry in many battles had lost more men than any one in his army, and say to them: "You are a mere skeleton of a regiment; you do not amount to half a regiment; the greater part of you have been killed or left on the road to die; the few of you that have come up here are scarred and maimed and halt; your very flag is shot to pieces: I do not consider you worthy to remain in my camp; I want these sleek, full regiments, that came in late, and did not see the enemy, to make up my army." Or suppose when George Washington's army was returning from one of its hard campaigns, an American had taunted its soldiers with being half clad, and emaciated and wounded, what would have been thought of him? I hold, sir, with the Senator from Georgia, (Mr. Toombs,) that no applause and no honors can be too high to be heaped on these men, and, as he said, instead of throwing additional burdens on them, by narrowing the platform, I would rather widen it, and give them all the aid and support possible. I would allow every man to come upon it in this fight which we have against the public enemy.

Mr. President, in 1854, we repealed the Missouri compromise line, and a great many of our northern friends were cut down; and the Congress elected in 1855 had, I believe, a majority of two to one against the Democracy; but they resolutely went to work and recovered their ground, so far as not only to elect Mr. Buchanan in 1856, but to secure a majority in Congress. We all know that the discussion on the Lecompton bill, and the movements then made, hurt us again. I do not undertake to say who is to blame for this, but I speak of the fact. The consequence was, in the next election the Democratic party in the North suffered severely. Take the State of Pennsylvania for example. Instead of seventeen members of Congress that our party there elected in 1856, we only got two or three in 1858. Our friends have been recovering their ground again, and are ready to go into the fight with high hopes. Now, I ask if it is wise policy for us in the South to seek to get the platform changed just before another election—a total, radical change, from non-intervention to intervention? I am free to say that I have very great apprehensions that such a thing would lead to defeat, and, hence, I would not make the change even if there were not other valid objections to it.

We all know, Mr. President, who were here in this city four or five days ago, that when the reports came that the secession had occurred at Charleston, and it was supposed the Democratic party was broken up and destroyed, that every one who met our Republican opponents was struck with their jubilant expression. If they had actually carried the election, and got into power, they could not have shown more elation. They thought that the Democratic party, which they had in vain endeavored to destroy, had killed itself by committing political suicide. But when, on Thursday morning last, we learned that the convention had adjourned over to meet in Baltimore, their faces were very much elongated. I have no doubt they would like that we should get into such collisions and divisions as would enable them to triumph over us; but I do not think they are destined to have this gratification. The Democratic party has great vitality, because it stands on the great principles of the Constitution; it has good and true men in every section of the country, and I entertain the highest hopes that they will yet come together and make a harmonious nomination.

It is to be regretted exceedingly, however, that we should have these debates on immaterial questions. Senators upon this floor are representative men; and hence when we embark in discussions, and squabble over these points which are small in themselves, we tend to divide our people at home; and I forbore to embark in this discussion, for this reason. The question was connected, also, somewhat with the aspirations and claims of different presidential candidates, and I felt a delicacy in embarking in it; and I do so now only with extreme reluctance. As a citizen, I have a right to my opinions. As a Senator, I regard myself as a member of a co-ordinate branch

which is the equal of the President; and, as a Senator, I have no desire to interfere with the presidential contest. There are reasons which will strike every mind why I ought not to do so, and why I think no Senator should. We have a rule of the Senate which requires us in debate to avoid personality and personal allusions; and yet, sir, some half a dozen perhaps of the Senators here are prominent candidates for the Presidency; and if I should interfere to aid one of them, I necessarily get up discussions as to the personal merits of these gentlemen. I cannot indeed do so without doing violence to my own feelings. I see at my side the Senator from Illinois, (Mr. Douglas,) whom I know to be a very thorough Democrat, who has fought the Abolitionists for the last twelve or fifteen years with much of zeal and effect as any man in America; and who has been burnt in effigy perhaps oftener than any one else, and who is more thoroughly feared and hated by them than any man above ground. Immediately at his side sits the Senator from Virginia, (Mr. Hunter,) with whom I vote as frequently as with any man on this floor—a Senator whose statesmanlike qualities have made him favorably known to the whole country, and whom everybody admits to be worthy of the Presidency. Looking further along, I find the Senator from Mississippi, (Mr. Davis,) whose resolutions I have been discussing, in whose company I was defeated in 1850, when the compromise bills were passed in opposition to our views, whose services to his country in the field and in the civil councils are such as to render him eminently worthy to be presented by his State. If I look further on, I see the Senator from Tennessee, (Mr. Johnson,) a native of my own State, a gentleman whose talents and energy have enabled him to overcome the greatest obstacles, and placed him in the front rank of the statesmen of the country. If I look around, I find the Senator from Oregon, (Mr. Lane,) likewise a native of my own State, whose long services to his country on the field of battle and in our civil councils render him, too, eminently worthy of this position. Sir, so far from endeavoring to throw an obstacle in the way of any one of these gentlemen, I would be proud to aid him. There is nothing that either of them could desire that it would not give me sincere gratification to assist them in. There is no personal or political object of theirs that I would not like to aid them in effecting; and if any one of them should receive the nomination, I want no other privilege than that of sustaining him. I am ready to march in the ranks and with those who go on foot, and wherever the struggle is hardest and the toil and danger the greatest.

Entertaining these views, I have been disposed to abstain as much as possible from the discussion of these questions, and I really hope that we shall not press them. I think no advantage can grow out of it. I greatly fear that I have occupied more of the valuable time of the Senate than I intended. I felt, however, that from me, in my position, some explanation was necessary. I think that the gentlemen on the other side of the Chamber have given us a platform already. We shall have to fight them; we had better make up our minds to go into the contest, and meet them on the great issue they tender us. In ten days we shall probably have their declaration of war from Chicago, and the clash of arms will commence very soon. It is time for us to close our ranks. I am ready to fight under that flag and that standard bearer that may be given us. I can adopt any of those platforms that were presented at Charleston. I leave all that to our political friends assembled in convention. I know that they will present a platform, and present a man less objectionable to me than the candidate on the other side. I regard them as the deadly political enemies of my section—as the enemies of the Constitution of the United States. Let us embark in the contest and fight them with closed and serried ranks on our side. I have spoken only in behalf of the Democratic party, of the Constitution, and the country.

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